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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. **2013-218**

13 **MOLLY ELIZABETH GRANT**
603 Dove Way
Roseville, CA 95661

A C C U S A T I O N

14 **Registered Nurse License No. 674770**

15 Respondent.

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17 Louise R. Bailey, M.Ed., RN ("Complainant") alleges:

18 **PARTIES**

19 1. Complainant brings this Accusation solely in her official capacity as the Executive
20 Officer of the Board of Registered Nursing ("Board"), Department of Consumer Affairs.

21 2. On or about March 1, 2006, the Board issued Registered Nurse License Number
22 674770 to Molly Elizabeth Grant ("Respondent"). The license was in full force and effect at all
23 times relevant to the charges brought herein and will expire on November 30, 2013, unless
24 renewed.

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1 **STATUTORY AND REGULATORY PROVISIONS**

2 3. Business and Professions Code ("Code") section 2750 provides, in pertinent part, that
3 the Board may discipline any licensee, including a licensee holding a temporary or an inactive
4 license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing
5 Practice Act.

6 4. Code section 2764 provides, in pertinent part, that the expiration of a license shall not
7 deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or
8 to render a decision imposing discipline on the license. Under Code section 2811(b), the Board
9 may renew an expired license at any time within eight years after the expiration.

10 5. Code sections 2761 and 2761(a)(1) state, in pertinent part, that the board may take
11 disciplinary action against a certified or licensed nurse or deny an application for a certificate or
12 license for unprofessional conduct, including but not limited to incompetence, or gross negligence
13 in carrying out usual certified or licensed nursing functions.

14 6. California Code of Regulations, title 16, section 1442, states:

15 As used in Section 2761 of the code, 'gross negligence' includes an extreme
16 departure from the standard of care which, under similar circumstances, would have
17 ordinarily been exercised by a competent registered nurse. Such an extreme departure
18 means the repeated failure to provide nursing care as required or failure to provide
19 care or to exercise ordinary precaution in a single situation which the nurse knew, or
20 should have known, could have jeopardized the client's health or life.

21 7. California Code of Regulations, title 16, section 1443, states:

22 As used in Section 2761 of the code, 'incompetence' means the lack of
23 possession of or the failure to exercise that degree of learning, skill, care and
24 experience ordinarily possessed and exercised by a competent registered nurse as
25 described in Section 1443.5.

26 **COST RECOVERY**

27 8. Code section 125.3 provides, in pertinent part, that the Board may request the
28 administrative law judge to direct a licentiate found to have committed a violation or violations of
the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
enforcement of the case. Code section 125.3(i) authorizes the Board to include the recovery of the
costs of investigation and enforcement of a case in any stipulated settlement,

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1 **BACKGROUND INFORMATION**

2 9. On or about April 2, 2011, Respondent was assisting a physician and respiratory
3 therapist in the preparation of intubating a heavily sedated incoherent patient in the intensive care
4 unit at Mercy Hospital of Folsom, located in Folsom, California. During the preparation,
5 Respondent was observed lifting the patient's gown, exposing the patient's genitals and buttocks,
6 and slapping the patient on the buttocks.

7 **FIRST CAUSE FOR DISCIPLINE**

8 **(Gross Negligence)**

9 10. Respondent is subject to discipline under Code section 2761(a)(1), on the grounds of
10 unprofessional conduct, in that on or about April 2, 2011, while a registered nurse at Mercy
11 Hospital of Folsom, located in Folsom, California, she was grossly negligent, as more particularly
12 set forth above in paragraph 9.

13 **SECOND CAUSE FOR DISCIPLINE**

14 **(Incompetence)**

15 11. Respondent is subject to discipline under Code section 2761(a)(1), on the grounds of
16 unprofessional conduct, in that on or about April 2, 2011, while a registered nurse at Mercy
17 Hospital of Folsom, located in Folsom, California, she was incompetent, as more particularly set
18 forth above in paragraph 9.

19 **THIRD CAUSE FOR DISCIPLINE**

20 **(Unprofessional Conduct)**

21 12. Respondent is subject to discipline under Code section 2761(a), on the grounds of
22 unprofessional conduct, in that on or about April 2, 2011, while a registered nurse at Mercy
23 Hospital of Folsom, located in Folsom, California, Respondent demonstrated unprofessional
24 conduct, as more particularly set forth above in paragraph 9.

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1 PRAYER

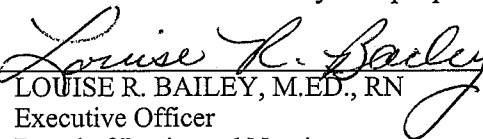
2 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
3 and that following the hearing, the Board of Registered Nursing issue a decision:

4 1. Revoking or suspending Registered Nurse License Number 674770, issued to Molly
5 Elizabeth Grant;

6 2. Ordering Molly Elizabeth Grant to pay the Board of Registered Nursing the
7 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
8 Professions Code section 125.3; and,

9 3. Taking such other and further action as deemed necessary and proper.

10 DATED: SEPTEMBER 27, 2012


LOUISE R. BAILEY, M.D., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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